

RESOLUTION NO. 2014181

RE: AUTHORIZING ACQUISITION IN FEE OF REAL PROPERTY FOR THE REHABILITATION OF A SECTION OF CR 21, NOXON ROAD, TOWN OF LA GRANGE FROM POUGHKEPSIE BRANCH LLC

Legislators HUTCHINGS, BOLNER, MICCIO, and SAGLIANO offer the following and move its adoption:

WHEREAS, the Department of Public Works has proposed the improvement of a section of Noxon Road, CR 21, in the Town of LaGrange, which project (PIN #8755.41) includes the acquisition of portions of certain properties, and

WHEREAS, a full environmental assessment form and a Negative Declaration was approved and adopted by this Legislature on December 8, 2008 under Resolution No. 208403 and the Department of Public Works determined that the improvement project (1) constitutes an unlisted action pursuant to Article 8 of the Environmental Conservation Law and Part 617 of the NYCRR ("SEQRA"), and (2) will not have a significant effect on the environment, and

WHEREAS, the Department of Public Works has made a determination that in order to improve said road, it is necessary to acquire in fee a portion of property presently owned by Poughkeepsie Branch LLC, and

WHEREAS, the acquisition in fee is a portion of parcel number 133400-6260-02-988992-0000, described as 845.49± square meters (9,100.81± square feet) more or less as shown on Map No. 22, Parcel No. 36, copy is annexed hereto, and

WHEREAS, the Agreement to Purchase Real Property (Fee Acquisition) for the necessary real property is attached hereto, and

WHEREAS, the Commissioner of Public Works has recommended that the subject property, Fee Acquisition, be purchased for the sum of \$13,000.00 plus up to \$1,000 for related expenses and that the terms and conditions of the Agreement be carried forth, now, therefore, be it

RESOLVED, that the County Executive or his designee is authorized to execute the Agreement to Purchase Real Property (Fee Acquisition) in substantially the form annexed hereto and all documents in connection with this acquisition, and be it further

RESOLVED, that on the submission by the property owner of deed to the aforementioned land, which shall include the terms and conditions of the Agreement to Purchase Real Property, and such other documents as may be necessary to convey free and clear title to the County of Dutchess, that payment be made to the property owner in the sum of \$13,000.00 for Fee Acquisition in accordance with the agreement to purchase, that the County reimburse Grantor for fees associated with the Release of Mortgage application, if any, and pay all necessary transfer tax and filing fees, and be it further

RESOLVED, that the terms and conditions of the aforementioned Agreement to Purchase Real Property (Fee Acquisition) be carried out by the Dutchess County Department of Public Works.

CA-109-14

CAB/ca/R-0907-Z

6/10/14

Fiscal Impact: See attached statement

STATE OF NEW YORK

ss:

COUNTY OF DUTCHESS

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 7<sup>th</sup> day of July 2014, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 7<sup>th</sup> day of July 2014.

CAROLYN MORRIS, CLERK OF THE LEGISLATURE

## FISCAL IMPACT STATEMENT

☐ NO FISCAL IMPACT PROJECTED

### APPROPRIATION RESOLUTIONS (To be completed by requesting department)

Total Current Year Cost \$ 14,000

Total Current Year Revenue \$ 13,300  
and Source

Source of County Funds (check one): ☒ Existing Appropriations, ☐ Contingency,  
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):  
H0290 5110 3009

Related Expenses: Amount \$ 1,000

Nature/Reason:

Anticipated expenses related to Mortgage Releases, Filling Fees, Property Taxes and other closing costs.

Anticipated Savings to County: \$13,300

Net County Cost (this year): \$700  
Over Five Years: \_\_\_\_\_

### Additional Comments/Explanation:

This Fiscal Impact Statement pertains to the accompanying resolution request form for the authorization to acquire additional right of way for a consideration of \$13,000.00, identified on Map 22, Parcel 36, for the project identified as PIN 8755.41 Rehabilitation of CR 21(Noxon Road), NYS 55 to CR 49 (Titusville Road), Town of Lagrange.

Related expenses in the amount of \$1000 are included in the Total Current Year Costs.

Prepared by: Matthew W. Davis

2929

**AGREEMENT TO PURCHASE REAL PROPERTY  
(FEE ACQUISITION)**

Project: REHABILITATION OF NOXON ROAD (NYS ROUTE 55 TO TITUSVILLE ROAD)  
PIN: 8755.41 Map: 22 Parcel: 36

This Agreement by and between POUGHKEEPSIE BRANCH LLC., hereinafter referred to as the "Seller", and the COUNTY OF DUTCHESS, hereinafter referred to as the "Buyer", pertains to that portion of real property interest required for public right of way purposes only.

1. **PROPERTY DESCRIPTION.** The Seller agrees to sell, grant, convey all right, title and interest to a 845.49± Square Meter (9100.81± Square Foot) parcel located on the West Side of CR 21, Noxon Road, in the Town of LaGrange, Dutchess County, New York, further described as:  
  
Being a portion of those same lands described in a deed dated December 11, 2009, and recorded on December 30, 2009 as Document #0220097056 in the Office of the County Clerk for Dutchess County, New York with the address 122 Noxon Road (Re. Tax map No. 133400-6260-02-988992-0000), and being the same lands designated as Map 22, Parcel 36 on exhibit "A" attached here to.
2. **IMPROVEMENTS INCLUDED IN THE PURCHASE.** The following improvements, if any, now in or on the property are included in this Agreement: Removal of 8,666.73 sf of grass, 709.08 sf of driveway material, (1) 10" diameter tree, (1) 15" diameter tree and (2) 6'x6' bushes.
3. **PURCHASE PRICE.** The total purchase price is THIRTEEN THOUSAND Dollars (\$13,000.00). This price includes the acquisition of the above real property in fee as described in paragraph 1 and the improvements described in paragraph 2, if any.
4. **PAYMENT.** All by check at closing.
5. **CLOSING DATE AND PLACE.** Transfer of Title shall take place at the Dutchess County Attorney's Office, or at another mutually acceptable location, on or about May 30, 2014.
6. **TITLE DOCUMENTS.** Buyer shall provide the following documents in connection with the sale:
  - A. **Closing Documents.** Buyer will prepare and deliver to the Seller for execution at the time of closing the documents necessary to transfer the real property interest stated in Paragraph 1 above.
  - B. **Abstract, Bankruptcy and Tax Searches, and Acquisition Map.** Buyer will pay for a search of public deeds, court and tax records and will prepare a Title Certification Letter. Buyer will pay for and furnish to the Seller an acquisition map.
  - C. **Buyer will be responsible for the recording of all deeds and releases in the Office of the Dutchess County Clerk.**
7. **MARKETABILITY OF TITLE.** Buyer shall pay for curative action, as deemed necessary by the Buyer, to insure good and valid marketable title in connection with the fee simple acquisition of the property. Such curative action is defined as the effort required to clear title, including but not limited to attending meetings, document preparation, obtaining releases and recording documents. The Seller shall be responsible for the cost to satisfy liens and encumbrances identified by the Buyer. Said cost shall be deducted from the amount stated in paragraph 3, and paid to the appropriate party by the Buyer at the time of closing. The Buyer shall be responsible for the reimbursement to the Seller of any Lien Release Application Fees and for any Prepayment Penalties associated with the release of any liens.
8. **RECORDING COSTS, TRANSFER TAX & CLOSING ADJUSTMENTS.** Buyer will pay all recording fees and the real property transfer tax. The following, as applicable and as deemed appropriate by the Buyer, will be prorated and adjusted between the Seller and Buyer as of the date of closing; current taxes computed on a fiscal year basis, excluding delinquent items, interest and penalties; rent payments; current common charges or assessments.

9. **RESPONSIBILITY OF PERSONS UNDER THIS AGREEMENT; ASSIGNABILITY.** The stipulations aforesaid shall bind and shall inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.
10. **ENTIRE AGREEMENT.** This agreement outlines the complete understanding of the Buyer and Seller pertaining to this acquisition. No verbal agreements or promises will be binding. This agreement must be approved by the Dutchess County Legislature and executed by the Dutchess County Executive in order for it to be binding on the parties.
11. **NOTICES.** All notices under this agreement shall be deemed delivered upon receipt. Any notices relating to this agreement may be given by the attorneys for the parties.
12. **PROJECT RELATED IMPROVEMENTS.** The following improvements will occur within this fee acquisition as a result of the Rehabilitation of Noxon Road Project, PIN 8755.41: Including, but not limited to the following: The shoulder of Noxon Road will be widened, cleared/grubbed, and the adjacent side slope will be graded to meet with the existing ground and seeded to re-establish a grass surface. All of the work described in this paragraph will be done in accordance with the Department of Public Work's (DPW) Plans and Specifications, prepared by WSP-Sells, for this project and the applicable NYS Department of Transportation Standard Specifications. This paragraph shall survive the termination of this Agreement.
13. **INDEMNIFICATION.** The Buyer agrees to defend, indemnify and hold the Seller harmless from any losses, claims, liens, demands and causes of action in connection with the project related improvements described in paragraph 12 of this Agreement. This paragraph shall survive the termination of this Agreement.
14. **TOWN OF LAGRANGE LETTER.** Attached as Exhibit B is the April 23, 2014 letter from Wanda Livigni, Administrator of the Planning and Public Works. The Buyer will comply with the conditions outlined in the letter. The Buyer shall be responsible for the costs associated with the purchase of the additional trees that need to be planted per Exhibit B.

IN WITNESS WHEREOF, on this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the parties have entered into this Agreement.

Seller: Poughkeepsie Branch LLC.  
Representative: Robert S. Cleveland, CEO

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Title

Witness: \_\_\_\_\_

Witness: \_\_\_\_\_





EXHIBIT A  
COUNTY OF DUTCHESS  
DEPARTMENT OF PUBLIC WORKS

MAP NO. 22  
PARCEL NO. 36,37,38,39  
SHEET 2 OF 7

REHABILITATION OF NOXON ROAD  
NY ROUTE 55 TO TITUSVILLE ROAD

PIN 8755.41

POUGHKEEPSIE BRANCH LLC  
(REPUTED OWNER)  
L22009 P.7056

FEE  
M22  
P36

POUGHKEEPSIE BRANCH LLC  
(REPUTED OWNER)  
122 NOXON ROAD  
845.49 SQ. METER +/-  
9100.81 SQ. FT +/-

Originals of this map (sheets 1 through 7)  
are on file at the offices of the Dutchess  
County Department of Public Works

ACQUISITION DESCRIPTION:  
Types: FEE, IE  
Portion of Real Property Tax  
133400-6260-02-988992-0000

Town of LaGrange  
County of Dutchess  
State of New York

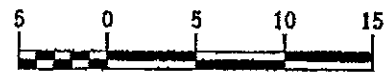
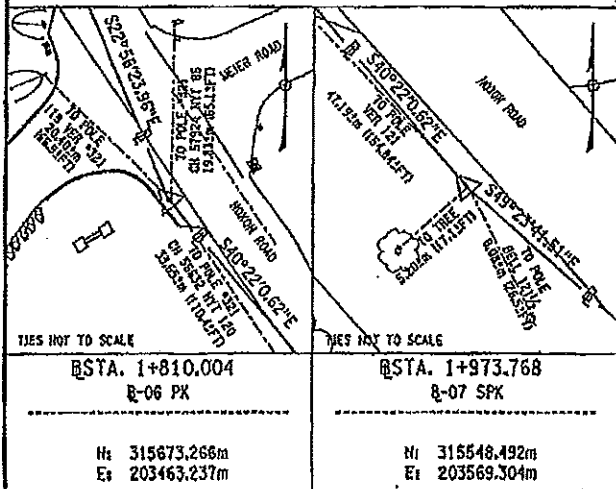
REPUTED OWNER:  
Poughkeepsie Branch LLC  
122 Noxon Road  
Poughkeepsie, NY 12603

B STA. 1+928.137  
16.732m

B STA. 1+922.045  
28.342m

POUGHKEEPSIE BRANCH LLC  
(REPUTED OWNER)  
122 NOXON ROAD  
1292.00 SQ. METER +/-  
13906.98 SQ. FT +/-

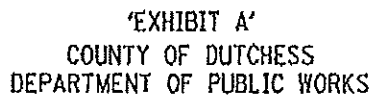
TE  
M22  
P37



SCALE 1:250  
ONE METER EQUALS 3.280833333 FEET.  
ONE SQUARE METER EQUALS 10.763867361 SQUARE FEET.

MAP NUMBER 22  
REVISED DATE 2/12/13 5/2/13  
DATE PREPARED 12/22/11

PREPARED BY DB CHECKED BY ERL/A FROM CHECK BY VAO

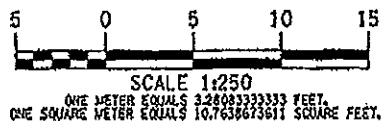


PIN 8755.41

MAP NO. 22  
PARCEL NO. 36,37,38,39  
SHEET 3 OF 7

POUGHKEEPSIE BRANCH LLC  
(REPUTED OWNER)  
L22009 P.7056

Poughkeepsie Branch LLC  
122 Noxon Road  
Poughkeepsie, NY 12603



MAP NUMBER 22  
REVISED DATE ~~2/12/13~~ 5/2/13  
DATE PREPARED 12/22/11

PREPARED BY DB DEDGED BY EG/JA FWA. ORDC BY MAU





REHABILITATION OF NOXON ROAD  
NY ROUTE 55 TO TITUSVILLE ROAD

'EXHIBIT A'  
COUNTY OF DUTCHESS  
DEPARTMENT OF PUBLIC WORKS

PIR 8755.41

MAP NO. 22  
PARCEL NO. 36,37,38,39  
SHEET 4 OF 7

Originals of this map (sheets 1 through 7)  
are on file at the offices of the Dutchess  
County Department of Public Works

ACQUISITION DESCRIPTION:  
Types: FEE, TE  
Portion of Real Property Tax  
133400-6260-02-988992-0000

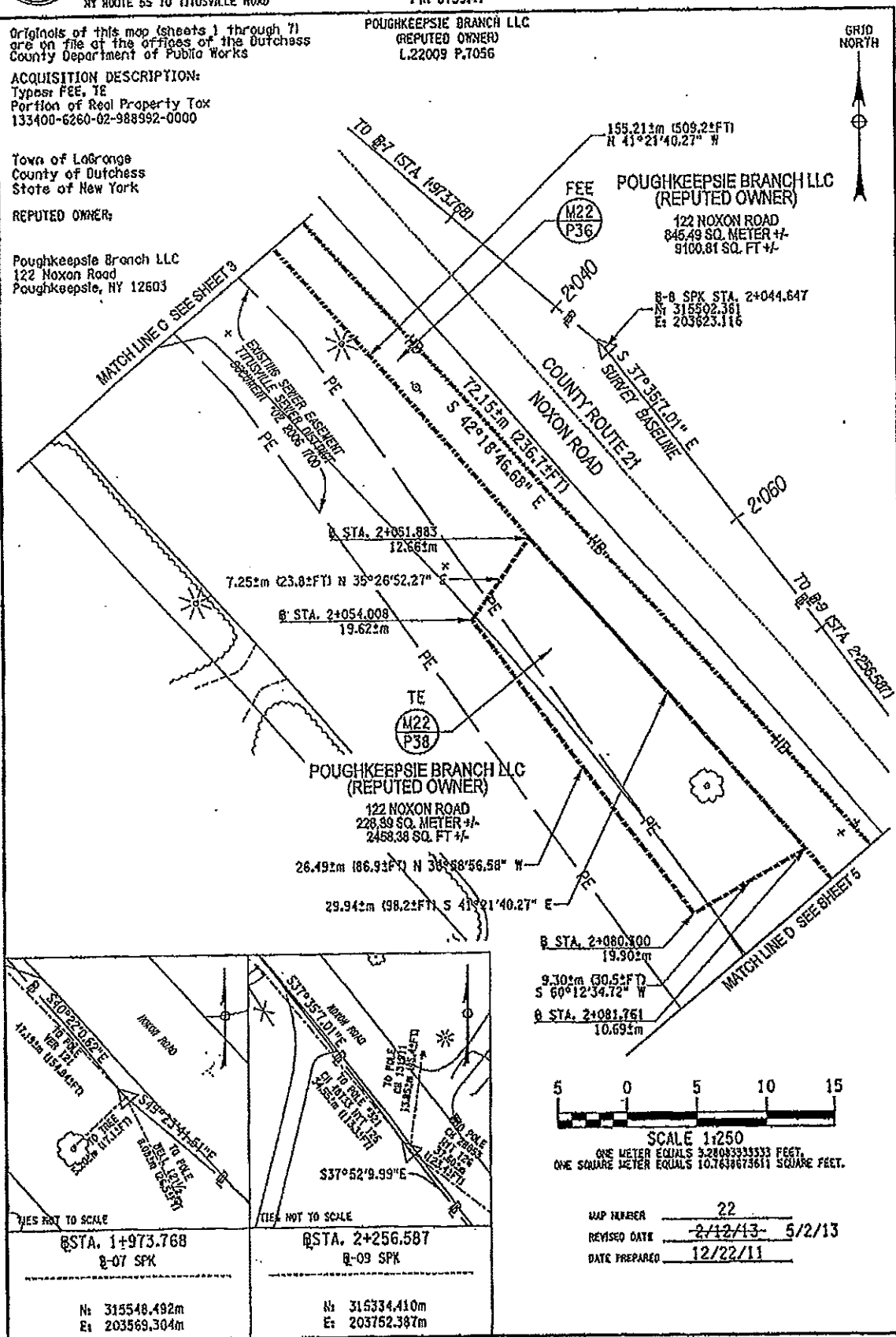
Town of LaGrange  
County of Dutchess  
State of New York

REPUTED OWNER:

Poughkeepsie Branch LLC  
122 Noxon Road  
Poughkeepsie, NY 12603

POUGHKEEPSIE BRANCH LLC  
(REPUTED OWNER)  
L.22009 P.7056

GRID  
NORTH



PIN 8755.41

POUGHKEEPSIE BRANCH LLC  
 REPUTED OWNER  
 L22009 P.7056

ACQUISITION DESCRIPTION:  
Types: FEE, TE  
Portion of Real Property To  
133400-6260-02-988992-0000

Town of LoGrange  
County of Dutchess  
State of New York

REPUTED OWNER:

Poughkeepsie Branch LLC  
122 Hoxon Road  
Poughkeepsie, NY 12603

POUGHKEEPSIE BRANCH LLC  
(REPUTED OWNER)

122 NOXON ROAD  
845.49 SQ. METER +/-  
9100.81 SQ. FT +/-

FEE  
M22  
P36

POUGHKEEPSIE BRANCH LLC  
(REPUTED OWNER)

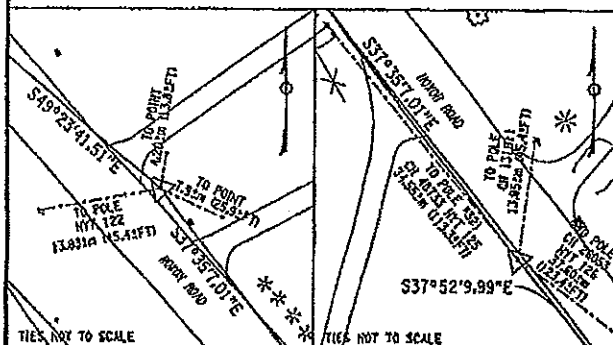
122 NOXON ROAD  
20.22 SQ. METER +/-  
217.68 SQ. FT +/-

TE  
M22  
P39

4.40±m (14.4±FT)  
S 41°20'40.27" E

HENRY G. PAGE JR.  
(REPUTED OWNER)

NOXON ROAD

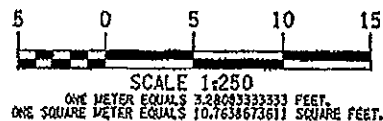


BSTA. 2+044,647  
B-08 SPK

H: 315502.361m  
E: 203623.116m

QSTA. 2+256.587  
R-09 SPX

N<sub>2</sub> 315334.410m  
E<sub>2</sub> 203752.387m



MAP NUMBER 22  
REVISED DATE ~~2/12/13~~ 5/2/13  
DATE PREPARED 12/22/11



**'EXHIBIT A'**  
**COUNTY OF DUTCHESS**  
**DEPARTMENT OF PUBLIC WORKS**

REHABILITATION OF NOXON ROAD  
AT ROUTE 25 TO YITUSVILLE ROAD

PIN 8755.41

MAP NO. 22  
PARCEL NO. 36, 37, 38, 39  
SHEET 6 OF 7

Map of property which the Commissioner of Public Works deems necessary to be acquired in the name of the People of the County of Dutchess in fee acquisition and temporary easement, for purposes connected with the highway system of the County of Dutchess, pursuant to Section 118 of the Highway Law and the Eminent Domain Procedure Law.

PARCEL NO. 36, A FEE ACQUISITION TO BE EXERCISED FOR THE PURPOSE OF THE WIDENING OF COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT WITH IMPROVEMENTS INCLUDING, BUT NOT LIMITED TO THE FOLLOWING: THE SHOULDER OF NOXON ROAD WILL BE WIDENED, CLEARED/CRUBBED, AND THE ADJACENT SIDE SLOPE WILL BE GRADED TO MEET WITH THE EXISTING GROUND AND SEEDED TO RE-ESTABLISH A GRASS SURFACE, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WESTERLY BOUNDARY OF COUNTY ROUTE 21 (NOXON ROAD), SAID POINT BEING AT THE DIVISION LINE OF LANDS OF 4G LLC (REPUTED OWNER) TO THE NORTH AND OF LANDS OF POUGHKEEPSIE BRANCH LLC (REPUTED OWNER) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 3.792m MEASURED AT RIGHT ANGLES FROM STATION 1+844.0572 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE ALONG SAID BOUNDARY SOUTH 41°45'4.63" EAST A DISTANCE OF 18.312m (60.12FT) TO A POINT, SAID POINT BEING DISTANT 3.342m MEASURED AT RIGHT ANGLES FROM STATION 1+862.3652 OF SAID BASELINE; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 41°55'56.68" EAST A DISTANCE OF 83.032m (272.42FT) TO A POINT, SAID POINT BEING DISTANT 1.082m MEASURED AT RIGHT ANGLES FROM STATION 1+945.3652 OF SAID BASELINE; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 41°24'56.68" EAST A DISTANCE OF 70.942m (232.72FT) TO A POINT, SAID POINT BEING DISTANT 6.452m MEASURED AT RIGHT ANGLES FROM STATION 2+015.8012 OF SAID BASELINE; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 42°18'46.68" EAST A DISTANCE OF 72.152m (236.71FT) TO A POINT, SAID POINT BEING DISTANT 6.272m MEASURED AT RIGHT ANGLES FROM STATION 2+089.6322 OF SAID BASELINE; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH 40°23'16.68" EAST A DISTANCE OF 54.512m (178.82FT) TO A POINT, SAID POINT BEING ON THE DIVISION LINE OF THE LANDS OF POUGHKEEPSIE BRANCH LLC (REPUTED OWNER) TO THE NORTH AND THE LANDS OF HENRY G. PAGE, JR. (REPUTED OWNER) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 3.612m MEASURED AT RIGHT ANGLES FROM STATION 2+144.0742 OF SAID BASELINE; THENCE ALONG SAID DIVISION LINE SOUTH 63°13'53.32" WEST A DISTANCE OF 3.062m (10.02FT) TO A POINT, SAID POINT BEING DISTANT 6.612m MEASURED AT RIGHT ANGLES FROM STATION 2+143.5002 OF SAID BASELINE; THENCE CONTINUING THROUGH THE LANDS OF POUGHKEEPSIE BRANCH LLC (REPUTED OWNER) NORTH 41°21'40.27" WEST A DISTANCE OF 155.212m (509.22FT) TO A POINT, SAID POINT BEING DISTANT 6.012m MEASURED AT RIGHT ANGLES FROM STATION 1+986.3712 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 41°37'25.39" WEST A DISTANCE OF 99.872m (327.72FT) TO A POINT, SAID POINT BEING DISTANT 5.162m MEASURED AT RIGHT ANGLES FROM STATION 1+887.1532 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 39°58'19.07" WEST A DISTANCE OF 43.322m (142.15FT) TO A POINT ON THE DIVISION LINE OF LANDS OF 4G LLC (REPUTED OWNER) TO THE NORTH AND OF LANDS OF POUGHKEEPSIE BRANCH LLC (REPUTED OWNER) TO THE SOUTH, SAID POINT ALSO BEING DISTANT 4.842m MEASURED AT RIGHT ANGLES FROM STATION 1+843.8392 OF SAID BASELINE; THENCE ALONG SAID DIVISION LINE NORTH 61°18'37.12" EAST A DISTANCE OF 1.082m (3.52FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 845.492 SQUARE METERS (9100.812 SQUARE FEET) MORE OR LESS.

PARCEL NO. 37, A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA IN CONNECTION WITH THE RECONSTRUCTION OF A DRIVEWAY FOR ACCESS MANAGEMENT TO MEET THE PROPOSED ROADWAY EDGE, AS WELL AS GRADING THE SIDE SLOPES OF THE DRIVEWAY TO MEET THE EXISTING GROUND, SEEDING TO RE-ESTABLISHING A GRASS SURFACE, PLACEMENT OF NEW ASPHALT, CURBING, SIGNAGE AND STRIPING, AND PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT; ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE LANDS OF POUGHKEEPSIE BRANCH LLC (REPUTED OWNER), SAID POINT BEING DISTANT 4.272m MEASURED AT RIGHT ANGLES FROM STATION 1+927.8642 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE THROUGH THE LANDS OF POUGHKEEPSIE BRANCH LLC (REPUTED OWNER) SOUTH 41°37'25.39" EAST A DISTANCE OF 54.572m (179.02FT) TO A POINT, SAID POINT BEING DISTANT 4.392m MEASURED AT RIGHT ANGLES FROM STATION 1+981.8302 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 48°22'34.61" WEST A DISTANCE OF 6.532m (21.42FT) TO A POINT, SAID POINT BEING DISTANT 10.862m MEASURED AT RIGHT ANGLES FROM STATION 1+980.9472 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 76°30'0.14" WEST A DISTANCE OF 20.362m (66.82FT) TO A POINT, SAID POINT BEING DISTANT 27.822m MEASURED AT RIGHT ANGLES FROM STATION 1+973.4752 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 41°37'25.39" WEST A DISTANCE OF 51.442m (168.82FT) TO A POINT, SAID POINT BEING DISTANT 28.942m MEASURED AT RIGHT ANGLES FROM STATION 1+922.0452 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 76°30'0.14" EAST A DISTANCE OF 13.642m (44.82FT) TO A POINT, SAID POINT BEING DISTANT 16.732m MEASURED AT RIGHT ANGLES FROM STATION 1+928.1372 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 48°22'34.61" EAST A DISTANCE OF 12.472m (40.92FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 1292.002 SQUARE METERS (13506.982 SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 37, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

PARCEL NO. 38, A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA IN CONNECTION GRADING THE SIDE SLOPES TO MEET THE EXISTING GROUND, SEEDING TO RE-ESTABLISH A GRASS SURFACE, AND PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT; ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE LANDS OF POUGHKEEPSIE BRANCH LLC (REPUTED OWNER), SAID POINT BEING DISTANT 10.892m MEASURED AT RIGHT ANGLES FROM STATION 2+081.7612 OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE THROUGH THE LANDS OF POUGHKEEPSIE BRANCH LLC SOUTH 60°12'34.72" WEST A DISTANCE OF 9.302m (30.52FT) TO A POINT, SAID POINT BEING DISTANT 19.902m MEASURED AT RIGHT ANGLES FROM STATION 2+080.5002 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 36°58'56.58" WEST A DISTANCE OF 26.492m (86.92FT) TO A POINT, SAID POINT BEING DISTANT 19.622m MEASURED AT RIGHT ANGLES FROM STATION 2+054.0082 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 35°26'52.27" EAST A DISTANCE OF 7.252m (23.82FT) TO A POINT, SAID POINT BEING DISTANT 12.662m MEASURED AT RIGHT ANGLES FROM STATION 2+051.8832 OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 41°21'40.27" EAST A DISTANCE OF 29.942m (98.22FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 228.392 SQUARE METERS (2458.382 SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 38, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

MAP NUMBER 22  
REVISED DATE 2/12/13 5/2/13  
DATE PREPARED 12/22/11



**'EXHIBIT A'**  
**COUNTY OF DUTCHESS**  
**DEPARTMENT OF PUBLIC WORKS**

REHABILITATION OF NOXON ROAD  
 NY ROUTE 55 TO TITUSVILLE ROAD

PIN 8755.41

MAP NO. 22  
 PARCEL NO. 36,37,38,39  
 SHEET 1 OF 7

PARCEL NO. 39, A TEMPORARY EASEMENT TO BE EXERCISED FOR THE PURPOSE OF WORK AREA IN CONNECTION CLEARING/GRUBBING ACTIVITIES, GRADING THE SIDE SLOPES TO MEET THE EXISTING GROUND, SEEDING TO RE-ESTABLISH A GRASS SURFACE, AND PLACEMENT OF TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES FOR THE DURATION OF THIS PROJECT, ALONG COUNTY ROUTE 21 (NOXON ROAD) FOR THE NOXON ROAD REHABILITATION PROJECT, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON LANDS OF POUGHKEEPSIE BRANCH LLC (REPUTED OWNER), SAID POINT BEING DISTANT 7.03±m MEASURED AT RIGHT ANGLES FROM STATION 2+137.214± OF THE HEREINAFTER DESCRIBED SURVEY BASELINE FOR THE RECONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD); THENCE THROUGH THE LANDS OF POUGHKEEPSIE BRANCH LLC SOUTH 63°13'53.32" WEST A DISTANCE OF 9.50±m (31.2±FT) TO A POINT, SAID POINT BEING DISTANT 16.36±m MEASURED AT RIGHT ANGLES FROM STATION 2+135.431± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS NORTH 36°20'25.10" EAST A DISTANCE OF 9.41±m (30.9±FT) TO A POINT, SAID POINT BEING DISTANT 7.32±m MEASURED AT RIGHT ANGLES FROM STATION 2+132.825± OF SAID BASELINE; THENCE CONTINUING THROUGH SAID LANDS SOUTH 41°20'40.27" EAST A DISTANCE OF 4.40±m (14.4±FT) TO THE POINT OF BEGINNING, SAID PARCEL BEING 20.22± SQUARE METERS (217.69± SQUARE FEET) MORE OR LESS.

RESERVING, HOWEVER, TO THE OWNER OF ANY RIGHT, TITLE OR INTEREST IN AND TO THE PROPERTY DESCRIBED ABOVE AS PARCEL NO. 39, AND SUCH OWNER'S SUCCESSORS OR ASSIGNS, THE RIGHTS OF ACCESS AND THE RIGHT OF USING SAID PROPERTY AND SUCH USE SHALL NOT BE FURTHER LIMITED OR RESTRICTED UNDER THIS EASEMENT BEYOND THAT WHICH IS NECESSARY TO EFFECTUATE ITS PURPOSES FOR, AND AS ESTABLISHED BY, THE CONSTRUCTION AND AS SO CONSTRUCTED, THE MAINTENANCE, OF THE HEREIN IDENTIFIED PROJECT.

THE SURVEY BASELINE IS A PORTION OF THE 2006 SURVEY BASELINE FOR THE RE-CONSTRUCTION OF COUNTY ROUTE 21 (NOXON ROAD), AS SHOWN ON THE MAP AND DESCRIBED AS FOLLOWS:  
 BEGINNING AT STATION 1+810.004, THENCE SOUTH 40°22'0.62" EAST TO STATION 1+973.768, THENCE SOUTH 49°23'41.51" EAST TO STATION 2+044.647, THENCE SOUTH 37°36'7.01" EAST TO STATION 2+256.587; ALL BEARINGS REFERRED TO GRID NORTH NEW YORK STATE PLANE EAST ZONE.

I hereby certify that the property mapped above is necessary for this project, and the acquisition thereof is recommended.

Date MAY 7 2013

Robert H. Bakind

Robert H. Bakind, P.E.  
 Acting Commissioner of Public Works

Recommended by:

Date May 7 2013

Gregory V. Bentley

Gregory V. Bentley, P.E.  
 Director of Engineering

MAP NUMBER 22  
 REVISED DATE 2/12/13 5/2/13  
 DATE PREPARED 12/22/11

"Unauthorized alteration of a survey map bearing a licensed land surveyor's seal is a violation of the New York State Education Law."

I hereby certify that this map is an accurate description and map made from an accurate survey, prepared under my direction.



Date 5/3 2013

Edward T. Gannon  
 EDWARD T. GANNON Land Surveyor  
 License No. 49907

ESP- SELLS  
 555 PLEASANTVILLE ROAD  
 BRIARCLIFF MANOR, NY 10510

McKinney's Consolidated Laws of New York Annotated Environmental Conservation Law (Refs & Annos) Chapter 43-B. Of the Consolidated Laws (Refs & Annos) Article 8. Environmental Quality Review (Refs & Annos)
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McKinney's ECL § 8-0113

§ 8-0113. Rules and regulations

Effective: February 26, 2006  
Currentness

1. After consultation with the other agencies subject to the provisions of this article, including state agencies and representatives of local governments and after conducting public hearings and review of any other comments submitted, the commissioner shall adopt rules and regulations implementing the provisions of this article within one hundred and twenty days after the effective date of this section.<sup>1</sup>

2. The rules and regulations adopted by the commissioner specifically shall include:

(a) Definition of terms used in this article;

(b) Criteria for determining whether or not a proposed action may have a significant effect on the environment, taking into account social and economic factors to be considered in determining the significance of an environmental effect;

(c) Identification on the basis of such criteria of:

(i) Actions or classes of actions that are likely to require preparation of environmental impact statements;

(ii) Actions or classes of actions which have been determined not to have a significant effect on the environment and which do not require environmental impact statements under this article. In adopting the rules and regulations, the commissioner shall make a finding that each action or class of actions identified does not have a significant effect on the environment;

(d) Typical associated environmental effects, and methods for assessing such effects, of actions determined to be likely to require preparation of environmental impact statements;

(e) Categorization of actions which are or may be primarily of statewide, regional, or local concern, with provisions for technical assistance including the preparation or review of environmental impact statements, if requested, in connection with environmental impact review by local agencies.

(f) Provision for the filing and circulation of draft environmental impact statements pursuant to subdivision four of section 8-0109, and environmental impact statements pursuant to subdivision six of section 8-0109, including, in addition to any other

circulation and public availability requirements, making such statements available free of charge to the public and government agencies on the publicly-available Internet website, unless impracticable. Printed filings and public notices shall clearly indicate the address of the website at which such filing is posted;

(g) Scope, content, filing and availability of findings required to be made pursuant to subdivision eight of section 8-0109;

(h) Form and content of and level of detail required for an environmental impact statement; and

(i) Procedures for obtaining comments on draft environmental impact statements, holding hearings, providing public notice of agency decisions with respect to preparation of a draft environmental statement; and for such other matters as may be needed to assure effective participation by the public and efficient and expeditious administration of the article.

(j) Procedure for providing applicants with estimates, when requested, of the costs expected to be charged them pursuant to subdivision seven of section 8-0109 of this article.

(k) Appeals procedure for the settlement of disputed costs charged by state agencies to applicants pursuant to subdivision seven of section 8-0109 of this article. Such appeal procedure shall not interfere or cause delay in the determination of environmental significance or prohibit an action from being undertaken.

(l) A model assessment form to be used during the initial review to assist an agency in its responsibilities under this article.

3. Within the time periods specified in section 8-0117 of this article the agencies subject to this article shall, after public hearing, adopt and publish such additional procedures as may be necessary for the implementation by them of this article consistent with the rules and regulations adopted by the commissioner.

(a) Existing agency environmental procedures may be incorporated in and integrated with the procedures adopted under this article, and variance in form alone shall constitute no objection thereto. Such individual agency procedures shall be no less protective of environmental values, public participation, and agency and judicial review than the procedures herein mandated.

(b) Such agency procedures shall provide for interagency working relationships in cases where actions typically involve more than one agency, liaison with the public, and such other procedures as may be required to effect the efficient and expeditious administration of this article.

4. Coordination with agricultural districts program. The commissioner, in consultation with the commissioner of agriculture and markets, shall amend the regulations promulgated pursuant to the provisions of this section as necessary and appropriate to assure the adequate consideration of impacts of public acquisitions, or the advancement of public monies for non-farm development on lands used in agricultural production and unique and irreplaceable agricultural lands within agricultural districts in accordance with the provisions of subdivision four of section three hundred five of the agriculture and markets law.

Public Works and Capital Projects

RESOLUTION NO. 208403

RE: ENVIRONMENTAL FINDINGS FOR THE RESURFACING, RESTORATION AND REHABILITATION OF APPROXIMATELY 2.91 KILOMETERS (1.8 miles  $\pm$ ) OF NOXON ROAD (CR 21) BETWEEN NYS ROUTE 55 AND TITUSVILLE ROAD (CR 49) (PIN 8755.41) AND THE REHABILITATION OF THE NOXON ROAD/TITUSVILLE RD. INTERSECTION (PIN 8758.69) WITHIN THE TOWN OF LAGRANGE, DUTCHESS COUNTY NEW YORK

Legislators KELLER-COFFEY, MANSFIELD, McCABE, and SEARS offer the following and move its adoption:

WHEREAS, Dutchess County has established itself as Lead Agency in a companion resolution in accordance with 6 NYCRR 617.6, and

WHEREAS, the Department of Public Works as has prepared a Full Environmental Assessment Form (EAF) in connection the resurfacing, restoration and rehabilitation of approximately 2.91 kilometers (1.8 miles  $\pm$ ) of Noxon Rd. (CR 21) between NYS Route 55 and Titusville Rd. (CR 49) and as a result has found no significant impacts on the environment would potentially occur as a result of this project, and

WHEREAS, a true copy of the EAF and Negative Declaration are annexed hereto, and

WHEREAS, the Department of Public Works has determined that the rehabilitation of the Noxon Rd./Titusville Rd. intersection is a Type II action under the State Environmental Quality Review Act (SEQRA) and that no further action is required, and

WHEREAS, it is the purpose of this Legislature in adopting this resolution, to adopt and confirm the findings of the Department of Public Works, now therefore, be it

RESOLVED, that the Legislature approves and adopts the attached Negative Declaration for the resurfacing, restoration and rehabilitation of approximately 2.91 kilometers (1.8 miles  $\pm$ ) of Noxon Rd. (CR 21) between NYS Route 55 and Titusville Rd. (CR 49) in accordance with 6 NYCRR 617.6, including the acquisition of portions of certain properties in the Town of LaGrange, and be it further:

RESOLVED, the attached Negative Declaration is to be filed and published in accordance with 6 NYCRR 617.12.

CA-231-08 CAB/ca/G-1461 11/14/08 Fiscal Impact: See attached statement

APPROVED

  
WILLIAM R. STEINHAUS  
COUNTY EXECUTIVE

STATE OF NEW YORK  
COUNTY OF DUTCHESS

ss:

This is to certify that I, the undersigned Clerk of the Legislature of the County of Dutchess, have compared the foregoing resolution with the original resolution now on file in the office of said clerk, and which was adopted by said Legislature on the 8<sup>th</sup> day of December, 2008, and that the same is a true and correct transcript of said original resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and seal of said Legislature this 8<sup>th</sup> day of December, 2008.

  
BARBARA HUGO, CLERK OF THE LEGISLATURE

## FISCAL IMPACT STATEMENT

☒ NO FISCAL IMPACT PROJECTED

### APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ \_\_\_\_\_

Total Current Year Revenue \$ \_\_\_\_\_  
and Source

Source of County Funds (check one): ☐ Existing Appropriations, ☐ Contingency,  
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ \_\_\_\_\_  
Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \_\_\_\_\_  
Over Five Years: \_\_\_\_\_

#### Additional Comments/Explanation:

This F.I.S. is related to the resolution request for the County Executive to issue a Negative Declaration for the Federally Funded projects PIN 8755.41 Noxon Rd. (CR 21): RT 55 to Titusville Rd. (CR 49), in the Town of LaGrange.

Prepared by: Rosanne M. Hall, Contract Specialist



State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Project Number 8755.41, 8758.69

Date: 11/28/08

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The County of Dutchess as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

**Name of Action:**

Resurfacing, Restoration and Rehabilitation of Noxon Road

**SEQR Status:** Type 1 ☐  
Unlisted ☒

**Conditioned Negative Declaration:** ☐ Yes  
☒ No

**Description of Action:**

Roadway resurfacing, restoration and rehabilitation. Installation of 2 foot full depth asphalt shoulders, regrading of slopes, replacement and enhancement of existing drainage system, installation of drainage swales, new catch basins and pipe, replacement of guide rail, replacement of signage, milling and resurfacing of 2 course asphalt overlay, installation of new striping, minor horizontal and vertical realignment.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

CR 21, NY 55 to CR 49 (Titusville Rd) &amp; CR 21/CR49 Intersection, t/LaGrange, Dutchess Cty.

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

1. The project site will experience a physical change of small to moderate impact including: milling & repaving of two course asphalt overlay, two foot full depth asphalt shoulders, replacement/enhancement of drainage, regrading of steep slopes, and minor horizontal/vertical realignment.
2. There will be no effect on unique or unusual land forms.
3. There will be a small to moderate impact on a protected waterway. The concrete culvert at Firemen's Way will be extended on either side. Coverage is anticipated under a Nationwide Permit.
4. There will be no impact to non-protected existing or new bodies of water.
5. The project will have a small to moderate impact on surface or groundwater quality and will require a discharge permit (SPDES).
6. The project will have a small to moderate impact on drainage flow, patterns and surface runoff with the installation of a new drainage system including new catch basins, pipe and swales.
7. The project will not affect air quality.
8. The project will not affect endangered or threatened species. (see attachment for continuation)

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

**For Further Information:**

Contact Person: Gregory V. Bentley, Director of Engineering, Dutchess County D.P.W.

Address: 626 Dutchess Turnpike, Poughkeepsie, NY 12603

Telephone Number: 845-486-2925

**For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:**

Chief Executive Officer , Town / City / Village of n/a

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany NY, 12233-1750 (Type One Actions only)

## SEQR Negative Declaration

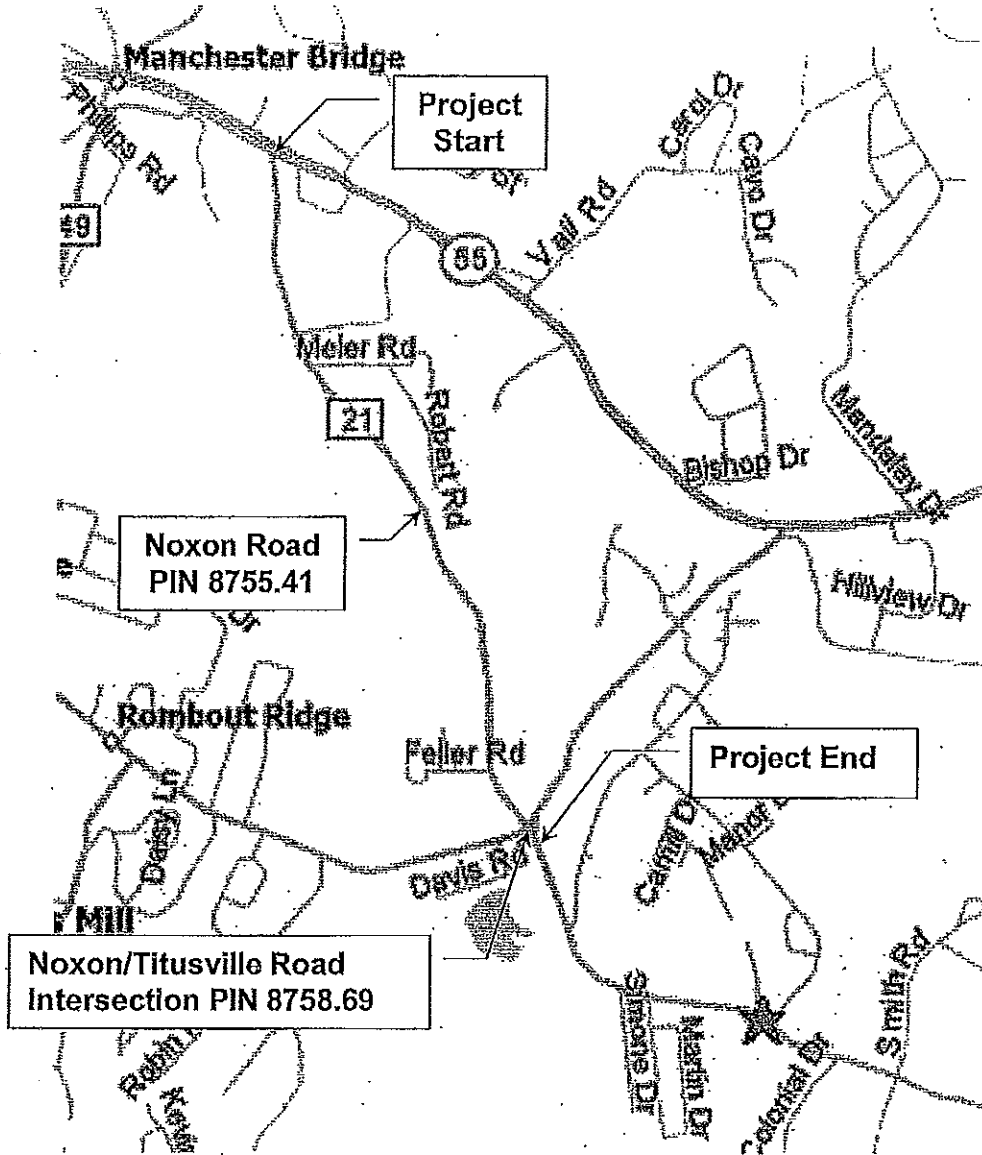
### **Reasons Supporting This Determination (continued):**

9. The project will not affect non-endangered or non-threatened species.
10. The project will not affect agricultural land resources.
11. The project will not affect aesthetic resources.
12. The project will not impact any site or structure of historic, prehistoric or paleontological importance.
13. The project will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The project will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The project will have a small to moderate impact to the existing transportation in the form of minor delays during construction due to off-peak daytime one way alternating traffic with flagmen.
16. The project will not impact the community's sources of fuel or energy supply.
17. The project will not result in objectionable odors, noise or vibrations.
18. The project will not affect public health or safety.
19. The project will not affect the character of the existing community.
20. The project will not cause public controversy due to potential adverse environmental impacts.

SEQR Negative Declaration

Project Location Map

N



## FISCAL IMPACT STATEMENT

☒ NO FISCAL IMPACT PROJECTED

### APPROPRIATION RESOLUTIONS

(To be completed by requesting department)

Total Current Year Cost \$ \_\_\_\_\_

Total Current Year Revenue \$ \_\_\_\_\_  
and Source

Source of County Funds (check one): ☐ Existing Appropriations, ☐ Contingency,  
☐ Transfer of Existing Appropriations, ☐ Additional Appropriations, ☐ Other (explain).

Identify Line Items(s):

Related Expenses: Amount \$ \_\_\_\_\_

Nature/Reason:

Anticipated Savings to County: \_\_\_\_\_

Net County Cost (this year): \_\_\_\_\_  
Over Five Years: \_\_\_\_\_

### Additional Comments/Explanation:

This F.I.S. is related to the resolution request for the County Executive to issue a Negative Declaration for the Federally Funded projects PIN 8755.41 Noxon Rd. (CR 21); RT 55 to Titusville Rd. (CR 49), in the Town of LaGrange.

Prepared by: Rosanne M. Hall, Contract Specialist

State Environmental Quality Review  
**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Project Number 8755.41, 8758.69

Date: 11/28/08

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The County of Dutchess as lead agency, has determined that the proposed action described below will not have a significant environmental impact and a Draft Impact Statement will not be prepared.

**Name of Action:**

Resurfacing, Restoration and Rehabilitation of Noxon Road

**SEQR Status:** Type 1 ☐  
Unlisted ☒

**Conditioned Negative Declaration:** ☐ Yes  
☒ No

**Description of Action:**

Roadway resurfacing, restoration and rehabilitation. Installation of 2 foot full depth asphalt shoulders, regrading of slopes, replacement and enhancement of existing drainage system, installation of drainage swales, new catch basins and pipe, replacement of guide rail, replacement of signage, milling and resurfacing of 2 course asphalt overlay, installation of new striping, minor horizontal and vertical realignment.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

CR 21, NY 55 to CR 49 (Titusville Rd) &amp; CR 21/CR49 Intersection, t/LaGrange, Dutchess Cty.

**Reasons Supporting This Determination:**

(See 617.7(a)-(c) for requirements of this determination ; see 617.7(d) for Conditioned Negative Declaration)

1. The project site will experience a physical change of small to moderate impact including: milling & repaving of two course asphalt overlay, two foot full depth asphalt shoulders, replacement/enhancement of drainage, regrading of steep slopes, and minor horizontal/vertical realignment.
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8. The project will not affect endangered or threatened species. (see attachment for continuation)

**If Conditioned Negative Declaration**, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

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Applicant (If any)

Environmental Notice Bulletin, Room 538, 50 Wolf Road, Albany NY, 12233-1750 (Type One Actions only)

## SEQR Negative Declaration

### **Reasons Supporting This Determination (continued):**

9. The project will not affect non-endangered or non-threatened species.
10. The project will not affect agricultural land resources.
11. The project will not affect aesthetic resources.
12. The project will not impact any site or structure of historic, prehistoric or paleontological importance.
13. The project will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
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18. The project will not affect public health or safety.
19. The project will not affect the character of the existing community.
20. The project will not cause public controversy due to potential adverse environmental impacts.



SEQR Negative Declaration

Project Location Map

